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REMARKS/ARGUMENTS

In the application, claims 6 and 15 have been amended to overcome the 35 U.S.C. §112, second paragraph, rejections as cited on page 2 of the office action. Claims 1, 6, 15 and 20 stand currently amended. Claims 2, -5, 7-14, 16-19 and 21-27 are as originally filed. Claim 9 has been stated as being allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph and including all of the limitations of the base claim and any intervening claims. Claim 28 has been added to include the limitations of claim 9 and all of the limitations of the base claim and any intervening claims. A check in the amount of \$102 is enclosed herewith to cover the cost of independent claim 28.

The applicants' disclosure describes a novel ceiling panel that is designed to create a moiré pattern on the panels when viewed from below. The moiré panels are fabricated out of a variety of materials including, but not limited to, metal, polymer and fiberglass. The moiré panel may be comprised of a translucent lower layer, a translucent upper layer and a light diffusing layer. The lower layer includes a surface with a plurality of openings or light passable regions that allow light to pass through and is adapted to be connected to a ceiling grid. The upper layer also includes a plurality of openings or light passable regions that allow light to pass through and is adapted to be connected to the lower layer. The light diffusing layer is positioned above the upper layer and is designed to intensify the moiré pattern while simultaneously concealing the area above the panel. The lower layer and upper layer are placed into the grid to form the panel. In one embodiment, the moiré panels are designed to be inserted into and suspended from a ceiling grid system.

35 U.S.C. §102 Rejections

Claims 20-27 were rejected under 35 U.S.C. 102(b) as being anticipated by Wilson U.S.

Patent No. 3,460,299. In the office action it is stated that Wilson teaches a plurality of grid members 3 intersecting to form a grid, an illuminating source 8 positioned above the grid, a panel frame 11 adapted to be connected to the grid, a first layer and a second layer 9, 10 are connected to the panel frame, both layers have light blocking regions and light passable regions that allow the light source to pass through.

Claim 20 of the application, as amended, requires a first layer connected to a panel frame and having light blocking regions and light passable regions distributed substantially throughout the first layer, wherein the light passable regions allow light for an illuminating source to pass through. Claim 20 also requires a second layer connected to a panel frame and having light blocking regions and light passable regions distributed substantially throughout the second layer, wherein the light passable regions allow light from an illuminating source to pass through.

Upon reviewing the specification of Wilson, in column 1, lines 56-65, it is stated that the purpose of the luminous ceiling panels is to diffuse light from fluorescent or other light sources suitably arranged between the ceiling and the panels so as to provide over-all high intensity illumination. The luminescent ceiling panels are made of translucent material which diffuses the light and prevents bright spots. Since the panels of Wilson are translucent, there would be no light blocking regions, since the definition of translucent is “Transmitting light but causing sufficient diffusion to prevent perception of distinct images.” Webster’s New World Dictionary. Since the layers of the ‘299 Wilson reference do not include light blocking regions covering the layers, the ‘299 Wilson reference does not anticipate or render obvious claim 20.

Claims 21-27 are dependent upon claim 20. In light of the forgoing amendments and arguments with regards to claim 20, claims 21-27 are also not anticipated or rendered obvious by the ‘299 Wilson reference.

Claims 1-3 and 10-12 were rejected under 35 U.S.C. 102(e) as being anticipated by Martin U.S. Patent No. 6,397,631. In the office action it is stated that Martin teaches an opaque layer having a plurality of openings at its outer edge that could allow light to pass through, and a translucent layer, attached to the opaque layer wherein the opaque layer is spaced apart from the translucent layer forming a gap between the layers.

Claims 1 and 10 have been amended to require an opaque layer having a plurality of openings distributed substantially throughout the opaque layer and adapted to allow light to pass therethrough. The '631 Martin reference includes holes along one edge to permit the attachment of fasteners 414. The openings are not distributed throughout the panel but are only located along an edge thereof. Thus claims 1 and 10 are not anticipated or rendered obvious by the '631 Martin reference.

Claims 2-3 are dependent upon claim 1, claims 11-12 are dependent upon claim 10. Thus, in light of the forgoing amendments and arguments made in connection with claims 1 and 10, claims 2-3 and 11-12 are not anticipated or rendered obvious by the '631 Martin reference.

35 U.S.C. §103 Rejections

Claims 4, 5, 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over the '531 Martin reference. Claims 4 and 5 are dependent upon claim 1, claims 13 and 14 are dependent upon claim 10. In light of the forgoing amendments and arguments made in connection with claims 1 and 10, claims 4 and 5 and claims 13 and 14 are not taught, suggested or rendered obvious by the '631 Martin reference.

Claims 1, 6-8 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over the '299 Wilson reference. In the office action it is stated that while Wilson does not state that one layer is opaque, it states that one of the films/layers should be translucent. The panel depicted in

the '299 Wilson reference is a luminous sound absorbing ceiling panel that is designed to absorb sound, while providing illumination below the panel. Column 2, lines 1-6 states that where there are upper and lower films of flexible vinyl, the lower film becomes of substantially uniform brilliance so that high intensity illumination is obtained without objectionable glare. At least one of the films should be translucent, although more uniform light distribution is obtained when both films are translucent. The use of a translucent material in the '299 Wilson is a replacement for a clear layer that would not be able to achieve the uniform brilliance that a translucent layer could achieve, since a clear layer would cause uneven lighting (ie. high intensity light regions). Wilson does not teach the use of an opaque layer to create a moiré effect across the panel. The translucent layer is a means for controlling intensity in a region, and not to reduce the amount of light passing through the panel. Translucent is not opaque and there is no teaching or suggestion in Wilson that an opaque layer can be used to form the panel, since that would create the opposite result of what Wilson was trying to achieve, namely a uniformly luminous ceiling panel. An asserted modification in a 35 U.S.C. § 103 rejection that renders the teaching inoperable is an improper rejection. Since there is no teaching or suggestion from Wilson to use an opaque layer and claims 1 and 10 have been amended to require an opaque layer having a plurality of openings, distributed substantially throughout said opaque layer, adapted to allow light to pass through, Wilson does not teach, suggest, disclose or render obvious claims 1 and 10.

Claims 6-8 are dependent upon claim 1, claim 15 is dependent upon claim 10. Therefore, in light of the forgoing arguments and amendments made in connection with claims 1 and 10, claims 6-8 and 15 are not taught, suggested, disclosed or rendered obvious by the '299 Wilson reference.

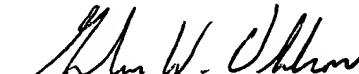
Claims 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in

view of Makino U.S. Patent No. 4,709,308. Makino teaches the use of a spectral resolution filter in the ceiling and walls of an elevator to spectrally resolve the light emitted from light sources into spectral light with varying colors. The combination of Makino with Wilson obfuscates the intended function of Wilson, namely the diffusion of light to produce a uniform illumination below the ceiling grid. One would not look to Makino to develop a uniformly illuminated panel with sound absorption qualities, as shown in Wilson. Claims 16-19 are dependent upon claim 10. Therefore, in light of the forgoing arguments and amendments made in connection with claim 10, claims 16-19 are not taught, suggested, disclosed or rendered obvious by the '299 Wilson reference in view the '308 Makino reference.

It is therefore requested that claims 1-28 be allowed and moved toward issuance.

Respectfully submitted,

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